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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
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Application Number	10/058,622
Filing Date	1/28/2002
First Named Inventor	Boucher
Art Unit	1631
Examiner Name	Channing Mahatan
Attorney Docket Number	DVME-1014USCON1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____

b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition For One Month Extension of Time

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e) 06/30/2004 CNGUYEN 00000078 10058622
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801
- iii. ☐ Other _____ 770.00 DP

- b. ☒ Check in the amount of \$ 770.00 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type) Kevin J. Dunleavy

Registration No. (Attorney / Agent) 32,024

Signature [Signature]

Date June 24, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type) Edna Schmittinger

Signature [Signature]

Date June 24, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

: Attorney Docket No. DVME-1014USCON1

5 BOUCHER, CHARLES

Serial No. 10/058,622

: Group Art Unit: 1631

Filed: January 28, 2002

: Examiner: CHANNING MAHATAN

10 For: METHOD FOR EFFECTING COMPUTER IMPLEMENTED DECISION-SUPPORT IN
THE SELECTION OF THE DRUG THERAPY OF PATIENTS HAVING A VIRAL DISEASE

AMENDMENT UNDER 37 C.F.R. § 1.116

15 Mail Stop RCE
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20 Sir:

In further response to the Final Office Action dated February 24, 2004, having a three-month shortened statutory period of response set to expire May 24, 2004, Applicant hereby
25 requests reconsideration of the rejections for the reasons given below. This response is being filed
within four months of the issuance of the Final Rejection with a request for a one-month extension
of time and a Request for Continued Examination. The Director is authorized to charge any
deficiency in the fees paid to Deposit Account No. 50-0462. The following remarks and
declarations are respectfully submitted.

30 **A listing of claims** begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

35 I certify that this document, along with any document referred to as being attached, is being
deposited with the U.S. Postal Service as first class mail on June 24, 2004, under 37 C.F.R. § 1.8 and is
addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

40 _____
Name of person signing document

Signature of person signing document